

AN ACT

RELATING TO ELECTIONS BY ELIMINATING DOUBLE ELECTION BOARDS AND
BY REQUIRING THE COMMISSIONER OF ELECTIONS, UPON PETITION,
TO USE AUTOMATIC TABULATING EQUIPMENT IN CERTAIN ELECTIONS
AND INCLUDING EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DOUBLE ELECTION BOARDS

Section 1. Section 39A.5, subsection 1, paragraph a,
subparagraph (3), Code 2009, is amended to read as follows:

(3) Circulating, communicating, or attempting to circulate
or communicate information with reference to the result of the
counted ballots or making a compilation of vote subtotals before
the polls are closed in violation of section ~~51.11~~ or 53.23.

Sec. 2. Section 43.5, Code Supplement 2009, is amended to
read as follows:

43.5 Applicable statutes.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, ~~51~~, 52,
53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as
applicable, to all primary elections, except as hereinafter
provided.

Sec. 3. Section 49.12, Code 2009, is amended to read as
follows:

49.12 Election boards.

There shall be appointed in each election precinct an
election board which shall ordinarily consist of three or five
precinct election officials. At the commissioner's discretion,
additional precinct election officials may be appointed to work
at any election. ~~Double election boards may be appointed for
any precinct as provided by chapter 51.~~ Not more than a simple
majority of the members of the election board in any precinct,
~~or of the two combined boards in any precinct for which a double~~

~~election board is appointed,~~ shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

Sec. 4. Section 49.13, subsection 4, Code Supplement 2009, is amended to read as follows:

4. The commissioner shall designate one member of each precinct election board as chairperson of that board. ~~If a counting board authorized by chapter 51 is appointed, the chairperson shall have authority over the mechanics of the work of both boards.~~ At the discretion of the commissioner, two people who are members of different political parties may be appointed as co-chairpersons. The co-chairpersons shall have joint authority over the work of the precinct election board.

Sec. 5. Section 49.25, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The commissioner shall furnish to each precinct the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except ~~as provided in section 51.7 or~~ to provide necessary service to malfunctioning automatic tabulating equipment. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 6. Section 49.104, subsection 3, Code 2009, is amended to read as follows:

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. ~~Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any~~

~~precinct for which double election boards have been appointed.~~

Sec. 7. Section 331.383, Code Supplement 2009, is amended to read as follows:

331.383 Duties and powers relating to elections.

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board may ~~authorize additional precinct election officials as provided in section 51.1,~~ provide for the use of an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

Sec. 8. REPEAL. Sections 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 51.11, 51.12, 51.13, and 51.14, Code 2009, are repealed.

Sec. 9. REPEAL. Section 51.15, Code Supplement 2009, is repealed.

DIVISION II

USE OF AUTOMATIC TABULATING
EQUIPMENT AT CERTAIN ELECTIONS

Sec. 10. Section 49.26, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

b. If the commissioner concludes, pursuant to paragraph "a", that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots ~~shall~~ may be used, subject to paragraph "c".

~~The~~ If paper ballots are used, the commissioner may shall use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

Sec. 11. Section 49.26, subsection 2, Code Supplement 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* Notwithstanding a determination by the commissioner pursuant to paragraph "b", upon receipt of a petition signed by not less than one hundred eligible electors, the commissioner shall count the ballots at an election described in paragraph "a" using automatic tabulating equipment. A petition filed under this paragraph must be received by the commissioner not later than 5:00 p.m. on the forty-second day before the election.

Sec. 12. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2218, Eighty-third General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2010

CHESTER J. CULVER
Governor